

REMARKS

I. Status of the Claims

Claims 27-52 are pending in this application. Without prejudice or disclaimer, Applicants have amended claims 27, 31, 32, 40, and 45; and cancelled claim 30. In particular, Applicants have amended independent claims 27, 40, and 45 to recite various features of claim 30, which the Examiner indicated would be allowable over the prior art if rewritten to overcome the rejections under 35 U.S.C. § 112 and to include all of the limitations of the base claim and any intervening claims. Applicants have amended claims 31 and 32 to depend from claim 27, and to obviate the Examiner's rejection of claims 27 and 31 under 35 U.S.C. § 112. After entry of this Amendment, claims 27-29 and 31-52 will remain pending. Applicants submit that the specification, drawings, and claims as originally filed support these amendments. Thus, no new matter has been presented.

Applicants acknowledge the Examiner's withdrawal of the Section 112, second paragraph rejections.

II. Rejection Under 35 U.S.C. § 112

The Examiner rejects claims 27-39 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. *See* Feb. 4, 2009, Final Office Action at 2-4.

With respect to claim 27, the Examiner alleges that "it is inaccurate and unsupported to describe that the primary working fluid provides "heat and pressure to the inner surface of the tire" at this stage in the process." Feb. 4, 2009, Final Office

Action at 2. The Examiner's position hinges on the incorrect assumption that a fluid may only "provide pressure" if it is sufficient to overcome another opposing force. Applicants respectfully disagree with this assumption and the Examiner's conclusions. The Examiner even admits that "while the primary working fluid is certainly both heated and under pressure at this stage in the process, it is functionally only described as providing heat to the inner surface of the tire at this stage." Feb. 4, 2009, Final Office Action at 3. The Examiner's acknowledgement that the primary working fluid is both heated and under pressure is consistent with page 13 of Applicants' specification. Specifically, Fig. 4 shows that primary working fluid ("a") provides a pressure to the tire, but at a value below the pressure of the secondary working pressure ("b"). While the primary working fluid may remain within the toroidal support (Specification, page 13, lines 9-12) because of the greater pressure exerted by the secondary working fluid, the primary working fluid nevertheless does apply a pressure upon the inner surface of the tire during this initial stage. Moreover, the primary working fluid heats the toroidal support 10 which transmits heat to the inner surface of the tyre, and consequently to the bead region and preferably the liner. (Specification, page 13, lines 33-36). Thus, Applicants respectfully submit that claim 27 complies with the written description requirement and requests that the rejection of claims 27-29 under 35 U.S.C. § 112, first paragraph be withdrawn.

The Examiner rejects claims 27-39 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. See Feb. 4, 2009, Final Office Action at 4-5.

The Examiner asserts that claim 27 fails the written description requirement and is indefinite because “the at least one primary working fluid” in lines 20-21, and the recited diffusion gap are allegedly broad enough to exist at either the initial stage and the final stage. Final Office Action at 3-4. Applicants have amended claim 27 to clarify that the recitations regarding the use of “at least one primary working fluid” during the diffusion step refers to the final stage wherein the outer surface of the tire is pressed against the walls of the molding cavity. Support for this amendment to claim 27 may be found at least within lines 4-19 of Applicants’ originally filed Specification. Thus, the claim does not recite new matter.

The Examiner also rejects claim 31 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Final Office Action at 4. The Examiner argues that “the antecedent for ‘the pressure’ is ambiguous given that both claims 27 and 30 define a ‘pressure’ of the primary working fluid and it is not clear which is intended.” *Id.* Applicants have amended claim 31 to clarify that the pressure differential occurs “during pressing the inner surface of the tyre against the outer surface of the toroidal support.” Moreover, as described above, Applicants note that the primary working fluid “provides a pressure” during both of the “pressure steps” referred to by the Examiner. *See e.g.*, Figure 4 of Applicants’ originally filed Specification.

Accordingly, Applicants respectfully submit that claims 27-39 comply with 35 U.S.C. § 112, second paragraph, and request that the rejections of claims 27-39 be withdrawn.

III. Rejections Under 35 U.S.C. § 103(a)

A. The Examiner rejects claims 27-29, 33-50 and 52 under 35 U.S.C. § 103(a) as allegedly “being unpatentable over” U.S. Patent No. 1,394,928 to Midgley et al. (“Midgley”) in view of U.S. Patent Nos. 6,409,959 to Caretta et al. (“Caretta”) and 1,407,839 to Clinefelter et al. (“Clinefelter”). See Final Office Action at 5-6.

Independent claim 27 now recites various features of claim 30. Specifically, claim 27 now recites a method of molding and curing a tyre for a vehicle wheel, wherein, “an at least one primary working fluid provides heat and pressure to the inner surface of the tyre such that the pressure of the at least one secondary working fluid is greater than the pressure of the at least one primary working fluid” (emphasis added). Since the Examiner indicated claim 30 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112 and to include all of the limitations of the base claim and any intervening claims (Final Office Action at 6), Applicants respectfully submit that amended claim 27 is allowable and request that the rejection be withdrawn.

Claims 28, 29, and 31-39 depend from claim 27, and are therefore patentable over the cited prior art references for at least the same reasons as those discussed with respect to claim 27.

Although of different scope, independent claims 40 and 45 recite features which are similar to those of claim 27, which is patentable for the reasons discussed above. Specifically, because the Examiner acknowledges that the prior art does not teach or suggest the method of claim 27, including the features of cancelled claim 30, the prior art also fails to teach or suggest the apparatuses of claims 40 and 45, including various features of cancelled claim 30. Claims 41-44 and 46-52 depend from independent

claims 40 and 45, respectively, and are therefore patentable over the cited prior art references for at least the same reasons as those discussed with respect to claim 27.

B. The Examiner rejects claim 51 under 35 U.S.C. § 103(a) as allegedly “being unpatentable over” Midgley in view of Caretta and Clinefelter, as applied above, and further in view of U.S. Patent No. 6,350,402 to Kobayashi (“Kobayashi”). *See* Final Office Action at 6.

Applicants respectfully traverse for at least the following reasons. For the reasons discussed above, Midgley, Caretta, and Clinefelter do not render obvious claims 27-29, 33-50 and 52. Because claim 51 depends from claim 50, Midgley, Caretta, and Clinefelter also do not render obvious claim 51 for these same reasons, and Kobayashi does not cure the deficiencies of these references. Accordingly, for at least this reason, Applicants respectfully submit that the Examiner has not established a *prima facie* case of obviousness and the rejection should be withdrawn.

IV. Conclusion


In view of the foregoing amendments and remarks, Applicants submit that the claimed invention is neither anticipated nor rendered obvious in view of the prior art references cited against this application.

If the Examiner believes a telephone conference could be useful in resolving any of the outstanding issues, she is respectfully urged to contact Applicants' undersigned counsel.

If there is any fee due in connection with the filing of this Statement, please
charge the fee to our Deposit Account No. 06-0916.

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